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EXAMINER
NILSON, R

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 6/1/93 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), ___ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-21, 23-29, 31-33 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 23-33 are allowed.
4. ☒ Claims 1, 7, 8, 13-15, 20, 21 are rejected.
5. ☒ Claims 2-6, 9-12, 16-19 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Specification

The Abstract of the Disclosure is objected to because it is too long. The Abstract should be limited to 250 words or less. Correction is required. See M.P.E.P. § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ray. The claims are directly readable on the valve disclosed by Ray. The new limitation in claim 1 that the armature is of a material that is corrosion resistant to the fluid delivered by the system does not define over Ray. "Corrosion resistant" is a relative term and would apply to the armature of Ray. All materials have some degree of corrosion resistance. Also, the statement of intended use of the valve, set forth in lines 1-2 of claim 1 is given no weight. It is well settled that apparatus claims, to be patentable, must distinguish over the prior art by recitations of structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over Ray in view of Klocke. Klocke discloses fabrication of an armature of amorphous material which can consist of alloys of iron, cobalt, nickel, chromium, or molybdenum. It would have been obvious to one skilled in the art to employ such alloys in the manufacture of the Ray armature since Klocke teaches these materials to be advantageous in armature manufacture. Applicants" argument that Klocke discloses material having one predominant component is of no significance since claim 8 does not state otherwise.

Claim 20 is rejected under 35 U.S.C. § 103 as being unpatentable over Ray in view of Linssen. Linssen discloses a

plate armature 17 having through passages 25 and it would have been obvious to have provided the Ray armature 11 with through passages to alloy fluid to freely pass from one side of the armature to the other, thereby allowing uninhibited movement of the armature.

Claim 13 is rejected under 35 U.S.C. § 103 as being unpatentable over Ray in view of Hruby. It would have been obvious to have employed fluid filters in the inlet and outlet ports of Ray to advantageously separate debris from the controlled fluid.

Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over Ray in view of DuHack. DuHack discloses a rubber seal 32 at the end of armature 31 to sealingly engage valve seat 30. It would have been obvious to have employed the DuHack seating arrangement in the Ray valve to obtain a more efficient sealing engagement.

Claim 21 is rejected under 35 U.S.C. § 103 as being unpatentable over Ray in view of Fischer. Fischer discloses a valve seat having a flat face 17 and a frustoconical formation diverging away from the seat. It would have been obvious to one skilled in the art to employ this type of valve seat in Ray to obtain a reliable leakproof seal as taught by Fischer. Facilitation of initial fluid flow, as argued by applicant, would

be an inherent result of using the frustoconical formation of Fischer.

Allowable Subject Matter

Claims 23-33 are allowable over the prior art of record.

Claims 2-6, 9-12, and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

RGNilson
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July 6, 1993

Robert G. Nilson
ROBERT G. NILSON
PRIMARY EXAMINER
ART UNIT 347